UNITED
NATIONS

E

Economic and Social
Council

Distr.
GENERAL

E/CN.4/1999/100
3 February 1999

Original: ENGLISH

COMMISSION ON HUMAN RIGHTS
Fifty-fifth session
Item 19 of the provisional agenda

ADVISORY SERVICES AND TECHNICAL COOPERATION IN THE FIELD OF HUMAN RIGHTS

Role of the Office of the United Nations High Commissioner for Human Rights in assisting the Government and people of Cambodia in the promotion and protection of human rights

Report of the Secretary-General

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Introduction

1. The Cambodia office of the High Commissioner for Human Rights (COHCHR) was set up in October 1993, pursuant to Commission on Human Rights resolution 1993/6, to ensure a continued United Nations human rights presence in Cambodia upon the departure of the United Nations Transitional Authority in Cambodia (UNTAC). The human rights operational presence is mandated by the Commission to:

(a) Manage the implementation of educational and technical assistance and advisory services programmes and to ensure their continuation;

(b) Assist the Government of Cambodia established after the election, at its request, in meeting its obligations under the human rights instruments recently acceded to, including the preparation of reports to the relevant monitoring committees;

(c) Provide support to bona fide human rights groups in Cambodia;

(d) Contribute to the creation and/or strengthening of national institutions for the promotion and protection of human rights;

(e) Continue to assist with the drafting and implementation of legislation to promote and protect human rights;

(f) Continue to assist with the training of persons responsible for the administration of justice.

2. The Cambodia office was also requested to provide support to the work of the Special Representative of the Secretary-General for Human Rights in Cambodia, who is mandated to: (a) maintain contact with the Government and people of Cambodia; (b) guide and coordinate the United Nations human rights presence in Cambodia; and (c) assist the Government in the promotion and protection of human rights.

3. The Commission on Human Rights, in its resolution 1998/60, welcomed the continuing role of the United Nations High Commissioner for Human Rights in the promotion and protection of human rights in Cambodia and her visit to Cambodia in January 1998.

4. The Commission requested the Secretary-General, through his Special Representative for human rights in Cambodia, in collaboration with the Office of the High Commissioner for Human Rights, to assist the Government of Cambodia in ensuring the protection of the human rights of all people in Cambodia and to ensure adequate resources for the enhanced functioning of the Cambodia office. The Commission also welcomed the agreement by the Government to extend the mandate of the Cambodia office.

5. The Secretary-General was requested to report to the Commission at its fifty-fifth session on the role of the Office of the High Commissioner for Human Rights in assisting the Government and people of Cambodia in the promotion and protection of human rights. The present report is submitted in accordance with paragraph 27 of resolution 1998/60.

6. Subsequently, on 9 December 1998, the General Assembly adopted resolution 53/145 on the situation of human rights in Cambodia, in which it welcomed the report of the Secretary-General, in particular the section concerning the role of the Office of the United Nations High Commissioner for Human Rights.

I. OVERVIEW OF 1998 ACTIVITIES

7. The political climate in 1998 was overshadowed by the events of July 1997, with many opposition politicians remaining outside the country for several months. As a result, the National Assembly functioned at a much reduced level, and the work of ministries was hampered by political uncertainties and a lack of direction. The office's technical assistance activities inevitably slowed down as a result, but nevertheless many programmes registered useful achievements.

8. The preparation of the elections and the post-election period effectively covered the whole year, since the new Government was not installed until late November. All units in the office were involved in one way or another with election-related activities. The Legal Assistance Unit assisted with the drafting of the legal framework for the elections and worked with the National Election Committee on regulations and procedures. The Education, Training and Information Unit drafted a curriculum on democracy and free and fair elections which was used for training the armed forces, the police and local election officials. The office's monitoring capacity was expanded by the addition of six mobile monitoring teams and an analysis unit which collected, analysed and compiled information on election-related violence and intimidation into a series of seven reports, published on behalf of the Special Representative of the Secretary-General. Two substantial reports on the access of opposition parties to the media were also produced. All these monitoring reports were translated and distributed widely both in Khmer and in English.

9. The office cooperated extensively with other organizations and bodies involved in the election process, including the United Nations-supported Electoral Assistance Unit, the Office of the Secretary-General's Personal Representative and the monitors attached to that Office, UNDP as the coordinator of assistance to the election process, and with domestic and foreign observers and a host of visitors with an interest in the process. During August and September, when a series of street demonstrations took place and were suppressed by the armed forces, the office's involvement took on a different form, with most office staff participating in the daily and nightly observation of events in the streets of Phnom Penh, with the objective of reducing the level of violence and preventing confrontation wherever possible. The office worked to protect and assist demonstrators who were beaten or threatened by police and ethnic Vietnamese minorities who were sometimes threatened by the demonstrators. During this period, the office issued six statements drawing the attention of the authorities and demonstrators alike to potential sources of conflict.

10. Throughout the year, the COHCHR maintained close contact with the Cambodian authorities on a wide range of human rights issues. During the High Commissioner's January visit, the issue of the memorandum of understanding

governing the Cambodia office was raised. The initial memorandum covered the period March 1996-March 1998. In May, the Government agreed to the High Commissioner's proposal to extend it for a further two years until March 2000. In June, the Government established by decree the Cambodian Human Rights Committee, with two main functions: investigation of human rights violations, including those documented by the Special Representative in his memoranda to the Government of August 1997 and May 1998, and the preparation of draft legislation leading to the establishment of an independent National Human Rights Commission. The office and the Special Representative remain in regular contact with the Committee and technical assistance will be provided where appropriate.

11. During 1998, the office continued to provide extensive support to the work of the Special Representative, Mr. Thomas Hammarberg. As well as the joint visit which he made with the High Commissioner in January, he made four other visits to Cambodia in 1998. During each of these visits, he met senior officials of the Royal Government of Cambodia, principally the First and Second Prime Ministers, the co-Ministers of the Interior and of Defence, and officials of the Ministries of Justice and Information. During the year, he was also granted two audiences with His Majesty the King. He regularly met opposition politicians, NGO representatives and members of the diplomatic corps. Arrangements for his visits are made by COHCHR, which is also responsible for supporting him by providing background material for his reports to the Commission on Human Rights and to the General Assembly. These reports are distributed widely by the office both in English and in Khmer, as are copies of the Commission and General Assembly resolutions.

12. In addition to the visits of the Special Representative, the office also provided support to two other important missions. In April, two experts in criminal investigation (Prof. Peter Burns and Mr. Arun Bhagat) visited Cambodia at the invitation of the Government to assess the status of investigations into the grenade attack of March 1997 and into the killings reported by the office after the July 1997 fighting. Their report proved to be a useful stimulus for renewed discussions with the Government on the need for an overall reform of the administration of justice. In November, the office provided assistance to the group of experts appointed by the Secretary-General to evaluate the evidence of violations of international and humanitarian law by the Khmer Rouge and to propose measures to bring about national reconciliation, strengthening democracy and addressing the issue of individual accountability.

13. In March, the Office received the visit of Mr. Ian Martin, Special Adviser to the High Commissioner on field presences. The report prepared by Mr. Martin contains a number of valuable recommendations on the office's programme and its management which are progressively being implemented by the Office. The Swedish International Development Agency (SIDA), a major donor to the Cambodia Trust Fund, carried out an ad hoc assessment of the office's work in June, and the office also received a visit from the SIDA Desk Officer in November. These SIDA assessments have resulted in a renewal of the current level of funding for the office's activities.

14. Several staffing changes have taken place within COHCHR, with the arrival of a new Director in January, a new Human Rights Officer for the Legal

Assistance Unit and a new Administrative Officer in April-May. The Human Rights Officer working with NGOs left in late 1998. Several of the UN Volunteers who had been working in the Phnom Penh office and in the provincial office network came to the end of their contracts, as did all six of the Judicial Mentors. Identification and recruitment of replacements for this large number of people is time-consuming and protracted. Recruitment for the long-vacant post of Chief of the Legal Assistance Unit is not yet complete.

II. ACTIVITIES OF THE OFFICE OF THE HIGH COMMISSIONER FOR HUMAN RIGHTS IN CAMBODIA IN 1998

A. Assistance in legislative reform

15. COHCHR carries out numerous activities for the creation, strengthening and support of a legal framework consistent with international human rights norms and for securing the promotion and protection of human rights and democracy.

16. The National Assembly and its committees were not active for around seven months of 1998, owing to the elections in July and political deadlock both before and after the elections. Thus, the consideration and adoption of many laws have been delayed. Nevertheless, the office provided technical assistance to the National Assembly and its committees, to the Royal Government and its various ministries, and to civil society institutions, including NGO and media organizations and groups concerning the drafting of the following laws:

(a) Law on associations and non-governmental organizations. This law's purpose is to protect the rights and freedom of establishment of associations and non-governmental organizations and to regulate their activities. With a group of NGOs, the office prepared comments on the draft, which was discussed extensively during 1996 and 1997. In August 1998, a new draft which presented difficulties with regard to freedom of association was circulated. The Special Representative met with co-Minister of the Interior Sar Kheng, and raised his concerns about it. The Minister stated that he was in favour of returning to the less restrictive 1996 draft and the Office has since learned that the Ministry of the Interior has decided not to promote the 1998 draft. The office is collaborating with the Cooperation Committee for Cambodia (CCC) and national human rights organizations for further action to promote the passage of the 1996/1997 draft;

(b) Law on Disability. The draft law on disability addresses the rights of the disabled, including non-discrimination, health and safety. The draft is still being discussed with NGOs and associations of disabled persons;

(c) Law on the Statute of Magistrates. This law establishes fundamental principles relating to the independence of the judiciary as well as the impartiality, competence and honesty of magistrates. The office participated in working sessions on the revised text, convened in August 1998 by the International Human Rights Law Group. Comments on the draft law from these sessions will be sent to the Ministry of Justice shortly;

(d) Penal Code and Code of Criminal Procedure. The Code of Criminal Procedure establishes rules to be respected in all stages of criminal proceedings. The Penal Code defines criminal offences. After their review in 1997 by a consultant employed by the office, the Ministry of Justice sent the draft Penal Code and Code of Criminal Procedure to France to be revised by French magistrates. Both drafts have recently been returned to Cambodia, and the office has secured the agreement of the Minister of Justice to obtain copies of both for review and comment before they are sent to the Council of Ministers;

(e) Law on the National Human Rights Commission. A draft law on the creation of an independent National Human Rights Commission was created in late 1997 by the office together with human rights NGOs. The office participated in meetings with NGOs and the Minister of Justice on the issue in early 1998. In June 1998, a provisional committee for human rights (called the Cambodian Human Rights Committee) was created by sub-decree; one of its tasks is to draw up a law to create an independent national human rights commission. The office submitted a copy of the 1997 draft to the Cambodian Human Rights Committee. In late 1998, after the formation of the new Government, several donors and NGOs expressed interest in renewing discussion on the creation of an independent National Human Rights Commission. The office will do its best to encourage such discussion in coordination with the Ministry of Justice;

(f) Law on Prevention of Domestic Violence. The Law on Prevention of Domestic Violence reached the Council of Ministers in late 1997. It is apparently still being studied by the Council of Jurists. The office will continue to seek support for this legislation which is crucial in order to improve the situation of Cambodian women;

(g) Land Law. The Council of Ministers approved the drafting of a Land Law to replace the 1992 State of Cambodia Law. The office was recently provided with a copy of the draft and is currently studying it. The office will also participate in discussions on the draft law organized by NGOs interested in land access and land titling issues;

(h) Sub-legislation on the press: sub-decree (Anukret) and proclamation. These executive acts implement the Press Law. In January 1998, the Ministry of Information requested the office to comment on two executive acts to be issued under the Press Law: a sub-decree defining national security and political stability and a proclamation on press identification and registration. The office expressed concern over both acts and provided detailed comments to the Ministry, particularly on their repercussions on freedom of expression and the press. Similar concerns were raised by the Human Rights Action Committee, an NGO coalition, and Reporters without Borders (Rapporteurs sans frontières). The executive acts were not adopted;

(i) Assistance on implementation of laws. The office continues to monitor the implementation of laws in order to ensure that their application is in conformity with international human rights standards. The office monitored the implementation of the Law on the Constitutional Council, namely the selection and appointment procedure of its members by the King, the Supreme Council of Magistracy and the National Assembly. Deficiencies in this

process were reported to the Secretary-General through his Special Representative in the context of the observation by the United Nations of the electoral process. The office also monitored the implementation of the laws on nationality; immigration; labour; and suppression of kidnapping, trafficking, sale and exploitation of human beings, through the monitoring of court cases and the exchange and provision of information and advice to Government Officials and local NGOs;

(j) Political Parties Law. The office also closely monitored the implementation of the Political Parties Law adopted in October 1997. Discussions were held with Ministry of Interior officials regarding the process for registration of political parties. The requirement to supply information about party members (such as gender and profession) in addition to the requirements originally stipulated in the Political Parties Law was challenged. Obstacles created by local authorities to the opening by political parties of offices and to the raising of signboards were reported to the Ministry. The problem of competing factions of the same party trying to register under the same name was also raised. A Ministry of Interior circular issued in February and including provisions contrary to the Constitution and the Political Parties Law was discussed;

(k) Election law. The implementation of the Election Law was closely monitored. The process of selection and appointment of members of the National Election Committee (NEC) and Provincial Election Commissions (PECs) was documented. Issuances by the NEC, such as rules and regulations, manuals and instructions, were analysed and amendments to improve their consistency with international human rights standards proposed to the NEC. The office expressed its concern over amendments to the Election Law which were intended to reduce the period allowed for appeals. However, it supported amendments which changed the site of the ballot counting from village (polling station) to commune level;

(l) Law on the Constitutional Council. This law lays down the organization and functioning of the Constitutional Council which has as its objective to guarantee protection and respect for the Constitution, to interpret the Constitution and laws, and to consider and decide disputes relating to the election of members of the National Assembly. The office was invited to participate in the relevant parliamentary committee as an adviser and succeeded in making some changes regarding provisions which were in conflict with the Constitution. The Law on the Constitutional Council was adopted on 19 March 1998. Members were then appointed, but the Council has still to become fully operational and was not able to fulfil its mandate in respect of disputes related to the elections.

B. Administration of justice

The Judicial Mentor Programme

17. The Judicial Mentor Programme has been under way since October 1995, in close cooperation with UNDP/Office of Project Services (UNDP/OPS) which provides administrative and financial support. The main objectives of the Judicial Mentor Programme are to improve the administration and quality of justice through the provision of daily advice and assistance to the courts; to

contribute to the improvement of the effectiveness of the judicial system by improving the capacity of Cambodian courts to coordinate with the police, prison officials, military and provincial administration, and to provide a basis for identifying further ways to upgrade the judicial system, including through law reform, in conformity with international human rights standards. A summary document on the objectives and achievements of the JMP was produced in September and was used for fund-raising purposes, and for the tripartite review of the project organized by UNDP/OPS in December involving the Ministry of Justice, UNDP/OPS and COHCHR in mid-December.

18. During 1998, eight provincial and municipal courts had a judicial mentor stationed in them. The mentors are experienced lawyers from other countries, each aided by a Cambodian assistant. The courts where mentors are posted continue to receive modest amounts of material assistance and equipment to improve their effectiveness. In order to expand the benefits of the Judicial Mentor Programme to other courts, the opening of some new offices and the closure of those offices which have operated for a number of years is being considered. Recruitment of a new group of mentors began in late 1998.

19. The Ministry of Justice has continued to give full support to the programme and has recently renewed its request that the office expand the programme.

Prison issues

20. The Office continues to provide advice and assistance on the legal framework governing prisons and on the legal and physical conditions of detention.

21. The Prison Proclamation (prakas), signed by the co-Ministers of Interior in March 1998, constitutes the legal basis for the operation of Cambodia's prisons. The Office provided comments and suggested some new provisions to the Prisons Department of the Ministry of Interior.

22. The Prison Procedures provide guidelines for the administration of prisons. These procedures are being drafted as part of a project supporting prison reform financed by Australian Aid (AusAID). Drafts of new procedures are regularly sent to the office for comment before finalization.

23. In 1998, the office made numerous visits to prisons in Cambodia to monitor the physical and legal conditions of detention and to ensure their consistency with national and international human rights norms. Advice has been provided to the judiciary and to prison officials on issues such as excessive pre-trial detention. In close cooperation with national NGOs, the office has assisted many detainees in obtaining legal representation. In collaboration with the World Food Programme (WFP) and national and international NGOs, the office has also contributed to alleviating the problems of inadequate health care and food, and the poor physical infrastructure of prisons in Cambodia.

24. The office prepares for briefing the Special Representative on the prison situation throughout the country, in particular, delays in the allocation of funds to provincial prisons for purchase of food rations for

prisoners, shortages of medicines, illegal conditions of detention, shackling and other mistreatment of prisoners, prison escapes, and the lack of investigation into the killing and deaths of prisoners.

Confidential reports to the Government

25. The office continued to submit confidential reports to the Government relating both to individual cases of human rights violations and to broader issues. The objective of such reporting is to assist the Government in the effective investigation of violations and in the implementation of law and the administration of justice.

26. Following the presentation in August 1997 by the Special Representative of a memorandum on killings and disappearances in the wake of the July fighting, a second memorandum was presented to the Government in May. A report prepared by two experts in criminal investigation, who visited Cambodia to assess progress on the investigations into the March 1997 grenade attack and the post-July killings, was presented at the same time.

27. Other confidential communications to the Government by the office in 1998 included a letter in January about a human trafficking network in Koh Kong. In June, the office wrote to the Minister of Defence about a case in which members of the Royal Gendarmerie had surrounded the Municipal Court in Phnom Penh and threatened officials to prevent them releasing two murder suspects, against whom the court had found no evidence. The Court was forced to take the two men into preventive detention because of fears for their safety. Two gendarmes were subsequently arrested but were then released on bail. Also in June, the office wrote about the arrest and subsequent imprisonment of an individual whose family had rented property to an opposition political party, and against whom dubious charges had been brought. The individual was subsequently released on appeal but was rearrested in November.

28. Letters were sent in June about the proposed banning of public demonstrations, and in July in connection with the beating of six people, including the husband of an opposition activist while in custody. In July, the office wrote to the Ministry of the Interior protesting about a case in Koh Kong where police had prevented the hearing of a land dispute in which one of the parties was the wife of the Chief of the Judicial Police. In November, information was provided to the general prosecutor about the beating to death of a young prostitute by a brothel owner in Banteay Meanchey province. Despite extensive eyewitness testimony, the accused man had apparently been released for lack of evidence.

29. During the election period, the office provided the Government with seven reports on election-related violence and intimidation, and also supplied a report on violent deaths recorded in and around Phnom Penh during the period of opposition protests. Lists of people reported as detained during the demonstrations and subsequently missing were provided to the Government on two occasions.

30. In December, the office wrote to the Ministries of Social Affairs and the Interior and to the Phnom Penh municipality about the legal and humanitarian issues surrounding an illegal holding centre for destitute people on the outskirts of Phnom Penh, and calling for its closure.

C. National institutions for the promotion and protection of human rights

31. The Chairman of the National Assembly Commission on Human Rights and Reception of Complaints, which had been extensively supported both with technical and material assistance by the office, left the country after the July fighting and returned in early 1998. In effect, the Commission ceased to function after his departure. He lost his seat at the July election and a new Chairman and members of the Commission were appointed in late November. The office will establish contact with them.

32. Discussion on legislation leading to the establishment of an independent National Human Rights Commission, in which the office had been very much involved, came to a halt in February. The office is currently involved in preliminary contacts on reviving these discussions, using as a starting point the draft law prepared in 1997 by human rights NGOs and the office.

D. Treaty reporting and international obligations

33. In 1997, the Royal Government of Cambodia, with the assistance of the Cambodia office, submitted its reports under three conventions: the International Convention on the Elimination of All Forms of Racial Discrimination; the International Covenant on Civil and Political Rights; and the Convention on the Rights of the Child.

34. Unfortunately, owing to political difficulties, illness, and the prolonged absences of the Minister of Justice and Secretary of State of the Ministry of Justice, who chair the Inter-Ministerial Committee on Reporting Obligations, no work was done in 1998 on the Inter-Ministerial review of the reports which were due on the Convention on the Elimination of All Forms of Discrimination against Women and the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. As the new Government becomes fully operational in early 1999, the Cambodia office will work with the newly appointed officials to complete initial reports on these two conventions and to assist the Government in preparing for the reviews by the treaty bodies scheduled for 1999 on the International Covenant on Civil and Political Rights and the Convention on the Rights of the Child.

35. With the continued assistance and support of the Cambodia office, the Inter-Ministerial Subcommittee on the International Covenant on Economic, Social and Cultural Rights prepared a draft of the initial report on the implementation of the Covenant, which now awaits review by the Inter-Ministerial Committee.

36. The office continued to provide support to the Permanent Secretariat of the Inter-Ministerial Committee on Reporting Obligations, and assisted it in

preparing an illustrated booklet on the Convention against Torture, which will be distributed in 1999 as part of an effort by the Inter-Ministerial Committee to train local officials on the provisions of the Convention.

E. Assistance to human rights NGOs

37. Pursuant to its mandate to support the development of civil society and to provide support to bona fide non-governmental organizations, the Cambodia office continued in 1998 its substantial programme of support and assistance to non-governmental organizations active in the field of human rights. This support takes the form of financial grants from the Trust Fund for Human Rights Education in Cambodia, training on substantive human rights issues, and training and the provision of consultants on organization and management practices designed to enhance the prospects for long-term sustainability of these NGOs.

38. In 1998, grants of more than US$ 250,000 were provided to 16 organizations working in the areas of human rights education for targeted sectors of the population and on the protection of the rights of vulnerable groups such as women, children and minorities, and labour rights. This COHCHR programme of NGO support is funded through earmarked contributions to the Trust Fund from DANIDA, an agency of the Government of Denmark (see the annex for an itemization of awards under this grant programme).

39. To encourage human rights activities at the local level, the Cambodia office provided additional grants in the amount of nearly US$ 400,000 to support the provincial- and district-level offices of the core human rights NGOs which are involved in both human rights education and monitoring and investigation activities. Where there are provincial offices of COHCHR, the local human rights NGOs work closely with them. These grants enable core human rights NGOs to expand their outreach, contacts and educational and monitoring activities at the district, commune and village levels. Most of this programme is funded by unearmarked contributions to the Trust Fund, although in 1998 a grant for this purposes of US$ 100,000 was made by the Netherlands, administered through UNDP/OPS.

40. The contribution of NGOs to Cambodia's social, economic and political development has been widely noted, especially the NGO contributions this year to the electoral process through voter education programmes and a very extensive election observation effort. Through the programme of support described above, the implementation of which is continuously monitored, COHCHR makes an important contribution to the development of civil society in Cambodia.

Children's rights issues

41. Terms of reference were prepared for a staff position on children's rights issues that will be initiated next year. This programme, based on the Convention on the Rights of the Child, will be conducted in cooperation with UNICEF and will focus on combating child trafficking and sexual exploitation, and on the construction of a juvenile justice system in Cambodia.

Assessment of NGO provincial action committees

42. Over the last two years, the Cambodia office encouraged collaborative efforts between various local NGOs working in the provinces in investigating, reporting on and intervening in difficult cases of human rights violations, and in efforts to provide assistance to victims. This past year, the office undertook an assessment of the work of these provincial action committees.

43. Nine provinces were visited. In general, cooperation between NGOs at the provincial level in tackling more difficult cases is working well. The main problem identified was a variation in the use of reporting formats, which was resolved through an agreement to use a common reporting format in all provinces.

F. Education and training programmes and curriculum development

Education and training in the former Khmer Rouge zones

44. The human rights education programme, initiated in 1997 at the request of the Government in areas formerly under Khmer Rouge control, achieved full implementation during 1998. Staff from Phnom Malai and Pailin, the main districts of the former Khmer Rouge areas, were recruited and trained immediately prior to the July elections. The two district-level offices of COHCHR were formally opened in September.

45. The programmes carried out by the Phnom Malai and Pailin offices provide a variety of human rights information and education to targeted sectors of the population - police, military, teachers, monks, commune leaders, women and other vulnerable groups - in areas of Cambodia that were previously not within the effective jurisdiction of the Royal Government of Cambodia. The programme includes funds to enable governmental and non-governmental partners of the office engaged in human rights education to travel to these areas to conduct programmes on law and human rights on an accelerated basis. This effort is funded by a special UNDP fund for projects in former areas of conflict. It is hoped that it will be possible to introduce comparable programmes in the other former Khmer Rouge territories that have now achieved reconciliation and integration with the Government.

Indigenous peoples' rights

46. Technical cooperation with the Inter-ministerial Committee on Highland Peoples Development continued through the first half of 1998. Curricula for a three-day village community workshop and a five-day institutional district workshop Curricula for a land rights action research project for Ratanakiri Province were prepared in cooperation with the human rights NGO, ADHOC, which conducts such training with the support of the Trust Fund.

47. This education and training project is part of a larger cooperative effort between the government authorities in Rattanakiri Province, the Provincial Land Titles Department, UNDP-CARERE (Cambodian Resettlement and Regeneration project), and NGOs. Its aim is to preserve the highly vulnerable livelihood, culture and environment of Cambodia's indigenous highland populations.

Royal Cambodian Armed Forces (RCAF)

48. For three years, the Royal Cambodian Armed Forces Human Rights Training Programme has continued to be a priority activity of COHCHR. In 1998, this training was conducted in five additional provinces and municipalities compared with 1997, and 12 additional officers were trained as human rights instructors, bringing the total number of instructors to 40. In 1998, an election year, greater emphasis was placed on the role of the armed forces in promoting Cambodia's democracy by integrating a new section into the training curriculum on the link between human rights and free and fair elections. As in previous years, the International Committee of the Red Cross (ICRC) conducted one-day sessions on international humanitarian law immediately following the three-day human rights training programmes. The office is also in the process of upgrading the training curriculum to include more extensive sections on children and women's rights.

49. Since the beginning of this programme in 1995, approximately 12,500 officers and soldiers have completed the courses. In September 1998, the office, in cooperation with the Training Directorate of the Royal Cambodian Armed Forces, held a two-day workshop to assess the training and to promote an improved rapport between regional commanding officers and human rights instructors.

Royal Gendarmerie

50. As noted in the 1997 report, the office suspended the Royal Gendarmerie Human Rights and Law Training programme after the fighting in July 1997. In September 1998, the decision was made to begin the training again for a six-month trial period. A four-day retraining of trainers workshop was conducted in December 1998 for the same gendarmes trained as human rights instructors in 1997. They then returned to their respective provinces and municipalities to begin conducting human rights and law workshops for the gendarmerie. Assisting Royal Gendarmerie human rights instructors are trainers of three human rights non-governmental organizations, Vigilance, Adhoc and Licadho, who were also trained by the office.

51. Before restarting the gendarmerie training, the office upgraded the training curriculum which it had developed in 1997. It now includes sections on children and women's rights and on a recently passed Cambodian law, the Law on General Statutes for Military Personnel of the Royal Cambodian Armed Forces. It also incorporates an international standard translated into Khmer by the office, the Basic Principles on the Use of Force and Firearms by Law Enforcement Officials.

Police

52. Human rights training of law enforcement officials began in early 1995 and has continued since then. Trained by the office and utilizing a curriculum developed by the Office, ADHOC, LICADHO and Vigilance have conducted hundreds of five-day human rights and law workshops with approximately 40 law enforcement officials as participants in each.

53. As has already been done with the RCAF and gendarmerie training, the curriculum will be upgraded by including new sections on children and women's rights and the addition of relevant Cambodian laws and international human rights standards.

54. The office finalized the drafting of a Police Pocket Guide in 1998. The Guide details the basic duties and responsibilities of the police according to Cambodian law and international human rights standards. It covers principles on the use of force and firearms, conducting investigations and searches, making arrests, conducting interrogations and holding suspects in detention. There is also a section that gives an overview of Cambodia's judicial system. In early 1999, thousands of Guides will be printed and distributed to law enforcement officials throughout Cambodia.

Human rights training of prison officials

55. The Cambodia office assisted the Cambodia Criminal Justice Assistance Project in training prison officials, a project supported by AusAID. The office conducted four training sessions for prison officials on human rights and the Standard Minimum Rules for the Treatment of Prisoners. In total, 123 prison officials, including most directors and deputies of provincial and municipal prisons, were trained.

Training on human rights and suppression of kidnapping, trafficking and exploitation of human persons

56. The Cambodia office developed a curriculum on human rights and suppression of kidnapping, trafficking and exploitation of human persons in 1998. This curriculum will be utilized by the provincial offices of COHCHR and local NGOs to train villagers. In October 1998, the office trained trainers of a local NGO, Rural Agricultural Development and Democracy, on the utilization of the curriculum, which they have begun to use.

Human rights training for Buddhist monks

57. The office continued to support human rights training of Buddhist monks in 1998. A local NGO, Khmer Buddhist Society, coordinated this training in all provinces. In 1996 and 1997, the office had assisted in developing the training curriculum and in training monks to train other monks on the interrelationship between Buddhism and human rights. Approximately 3,000 monks were trained in 1998. Grants from the Trust Fund were made to support this training as well as to the local NGO Cambodia Institute for Human Rights, which drafted a human rights curriculum for Buddhist schools.

Minority rights training

58. With continued financial support and technical assistance from the office in 1998, two local NGOs, Cham Khmer Islam Minority Human Rights and Development Association and Khmer Kampuchea Krom Human Rights and Development Association, trained over 2,000 ethnic Chams and hundreds of ethnic Vietnamese on minority rights in a number of provinces and Phnom Penh. Each training consisted of three-day workshops utilizing a curriculum developed by the office in 1996.

HIV/AIDS anti-discrimination training

59. In 1998, the office continued its financial support to HIV/AIDS anti-discrimination training. In 1996, the office trained the local NGO Mission of Generous Cambodian Alliance to conduct training using the curriculum developed by the office. This training targets the staff of hospitals and medical clinics, and over 300 people were trained in 1998.

Labour rights training

60. The final draft of the Labour Rights Training curriculum was developed by the office in early 1998. Using this curriculum, the office trained trainers of a local NGO, the Cambodian Labour Organization. In turn, CLO used the curriculum to train workers on relevant national laws, including the Cambodian Labour Code and the international standards that promote and protect labour rights.

61. The Labour Rights Training curriculum also focuses on the process of organizing independent free trade unions, and includes draft models of a trade union charter and by-laws. CLO is assisting workers from different factories in organizing independent free trade unions, and received funding from the office to conduct training and to engage a lawyer to represent workers. The office is currently working with the Ministry of Social Affairs and Labour to conduct labour rights training in 1999 for government labour inspectors.

Training on human rights and law, democracy and free and fair elections

62. Early in 1998, the Cambodia office developed a curriculum to provide general human rights training for Cambodian citizens. It covers the rule of law, relevant national and international laws, what constitutes a genuine democracy, human rights and free and fair elections, and how to redress election-related violations of human rights. Three five-day training of trainers workshops were conducted by the office for three local NGOs, Khmer Kampuchea Krom Human Rights Association, Cambodian Human Rights and Democracy Organization and Human Rights Protection and Rural Development Association. These organizations then began dozens of five-day training workshops on human rights and law, democracy, and free and fair elections in the run-up to the elections.

63. Also in 1998, the office completed curriculum development on those human rights directly associated with promoting and protecting a genuine democracy and promoting free and fair elections. This curriculum was utilized by COHCHR and its provincial offices in conducting one-day training for over 1,000 provincial and communal election officials before the 1998 elections, in cooperation with the National Election Commission. The curriculum was also integrated into the established general human rights training programmes for local NGOs and for the Royal Cambodian Armed Forces Human Rights Training.

Assessing the quality of the training programmes assisted and supported by COHCHR

64. The vast majority of training programmes are conducted by human rights trainers/instructors from NGOs and government institutions who were originally

trained by the office. Most of those organizations and institutions receive funding support from the Trust Fund. To assess those training programmes, staff of the office and its provincial offices observe training courses while they are in progress, and advice is given to upgrade the quality of training.

G. Information and documentation

65. The Cambodia office remains a major producer and distributor of human rights-related materials. Those materials included international human rights instruments, memorandum and election reports issued by the Special Representative, relevant domestic laws, training curricula, and free and fair elections posters developed by the office. In 1998, approximately 80,000 human rights-related documents as well as 200,000 free and fair elections posters were printed and distributed. Recipients of those materials included the following: Council of Ministers; ministries; courts; national police; prison officials; Royal Cambodian Armed Forces; Royal Gendarmerie; Royal School of Administration; Faculty of Law; hospitals; monks; NGOs and the population at large.

Commemoration of the fiftieth anniversary of the Universal Declaration of Human Rights

66. In anticipation of the fiftieth anniversary of the Universal Declaration of Human Rights, the United Nations Department of Public Information prepared a film, "For Everyone Everywhere: the Making of the Universal Declaration of Human Rights." Along with historical footage from New York and Paris in 1945 and 1948, this film had considerable coverage of efforts by the United Nations to assist the Cambodian Government and people in realizing the rights proclaimed in the Universal Declaration, including coverage of the January 1998 visit by the High Commissioner and the work of the Special Representative.

67. The Cambodia office translated the script of the film into Khmer and added a Khmer language soundtrack. With the assistance and support of the governmental Cambodian Human Rights Committee, the film was broadcast on national television the evening of 10 December. The Khmer language version of the film will be widely distributed throughout Cambodia in a videotape format.

68. At the suggestion of the office, the half-hour film was followed by a one-hour panel discussion at which two representatives of the Cambodian Human Rights Committee and two representatives of Cambodian human rights NGOs discussed the priorities of the human rights in Cambodia over the coming years. Subjects discussed included the problem of impunity, the need to prosecute those responsible for human rights abuses, non-discrimination and equality before the law, domestic violence against women, sexual exploitation and trafficking, and gender discrimination in access to education by women and girls.

69. With the cooperation of UNDP and the office of the Personal Representative, on 10 December a reception was organized for the Government, non-governmental organizations, heads of United Nations agencies in Cambodia, and members of the diplomatic corps. The Human Rights Day statements from the Secretary-General and the High Commissioner were read, as were excerpts from

remarks by the UNDP Administrator. The Acting Head of State and President of the National Assembly, Prince Norodom Ranariddh, and the Prime Minister, Hun Sen, both delivered speeches recommitting the newly formed Government to work towards the promotion and protection of human rights. The following day, this event was broadcast on all private and public television stations.

70. The provincial offices of the COHCHR organized Human Rights Day events in the provinces.

H. Monitoring and protection activities

71. Thorough monitoring of human rights violations continued in 1998 with efforts focused on investigations into the large number of reported abuses in the wake of the July 1997 coup d'état and into intimidation and violence in the months leading up to and following the July 1998 election. Work on a second memorandum from the Special Representative to the Royal Government of Cambodia on extrajudicial killings, torture and other violations in the aftermath of the 1997 coup continued until May 1998, at which point the office had recorded, investigated and documented a total of some 80 killings and more than 20 disappearances since July 1997. The second memorandum, providing information about 42 killings and seven disappearances, was completed and handed to the Government in mid-May by the Special Representative.

72. The Monitoring Unit was expanded in late May by the creation of six mobile monitoring teams and two analysts tasked with assessing and investigating allegations of politically inspired intimidation and violence related to the election process. These teams covered most of the provinces of the country with the exception of the north-east. In all, the teams recorded more than 400 allegations of intimidation and violence, including 49 killings, in the weeks prior to the election. Of these, around 140 were assessed credible and consequently placed under investigation. Around 90 of these cases were eventually confirmed. Twenty-two of the total of 49 killings were assessed as being either political or containing both political and personal elements. This number includes the 11 people killed in the ex-Khmer Rouge stronghold, Anlong Veng, on election day.

73. In the immediate aftermath of polling, the mobile teams and analysts shifted their focus to monitoring the large number of opposition activists who at that time were leaving their home villages owing to fear of retribution. By late August, all but one of the mobile teams had been redeployed to Phnom Penh where opposition demonstrations were gathering steam and a government crackdown was anticipated. The remaining team remained in Siem Reap until September. When security forces intervened on 7 September to end the demonstrations, the monitoring teams, supplemented by other COHCHR and United Nations staff, were on hand to record abuses while simultaneously maintaining a high-profile preventive presence during situations of confrontation.

74. Monitoring continued till the end of November to enable investigation of the large number of cases of missing people and of killings recorded during the demonstration period. The results of all investigations were documented in seven progress reports issued over the election period, the last of which

was presented to the Government and made public on 28 October. Six press statements relating to violations recorded and investigated by the Unit were also released during the demonstration period.

I. Network of provincial offices

75. The activities of the Cambodia office agreed upon by the Government in 1993 include the establishment of provincial offices with the objective of strengthening human rights activities at the provincial level and ensuring uniform implementation of the Cambodia office's programme throughout the country.

76. The main activities of the provincial offices include: (a) monitoring the general human rights situation; (b) facilitating training programmes for military, police and other local authorities; (c) maintaining regular contact with local authorities, military, police, prison officials and NGOs; (d) monitoring the human rights and humanitarian situation in the prisons; (e) holding regular consultations with local human rights NGOs, and organizing some capacity-building for these NGOs; and (f) conducting investigations into individual cases, in partnership with human rights NGOs.

77. The office opened its first three provincial offices in Battambang, Kompong Cham and Siem Reap in early 1995. In early 1997, three other offices were opened in Kampot, Kompong Chhnang and Prey Veng. Since late 1997, each provincial office has been staffed by a Cambodian provincial human rights officer and an assistant, with an adviser who is a United Nations Volunteer. New versions of the job descriptions for all three posts of provincial human rights officer, adviser and assistant have recently been drafted to correspond more closely with current reality.

78. In mid-1998, an internal review of the mandate and structure of the provincial office network was held. The review concluded that all six existing provincial offices should continue to function for the time being, but that the usefulness of their continuation should be assessed at intervals. No expansion of the network should be undertaken at present. It was agreed that human rights advisers (UNVs) continue to be required, but that greater emphasis should be put on their capacity-building role, both for provincial office staff and for local NGOs. The need for greater contact and exchanges between the provincial offices and the Phnom Penh Office was recognized, and planning of an exchange programme is under way. It was also agreed that discussions should take place with NGOs at the local and central levels to see what their expectations of the network are, and how the relationship can be further developed.

79. In the 1998 election period, the provincial offices conducted training in democracy, free and fair elections for provincial and commune election commissions and members of different political parties. The provincial offices acted as neutral meeting points for discussion among international and local monitors, election officials, local authorities and others on legal aspects of the elections and problems arising in connection with election preparation.

Annex

GRANTS TO NGO HUMAN RIGHTS PROJECTS IN 1998
(in addition to programme of support to NGO provincial offices)

Name of organization	Project	Amount (US$)
Cambodian Institute of Human Rights	To train school teachers in human rights teaching methodology	34 000
Cambodian Rural Agriculture Development and Democracy	To provide assistance on child trafficking issue	6 000
Documentation Centre of Cambodia (D.C.Cam)	To research violations committed against the Vietnamese and Chinese minorities	12 000
Cambodian Centre for Protection of Children's Rights	To investigate cases of child trafficking and sexual exploitation and to provide training to local officials	20 000
Goutte d'eau	To train local officials in Neak Loeung on the rights of the child, child trafficking and sexual exploitation	5 000
Khmer Youth Association	To provide Khmer literacy and human rights training to prisoners in T5	10 000
Legal Aid of Cambodia	To introduce systematic judicial review procedures for children at the Youth Rehabilitation Centre	26 000
Khmer Kampuchea Krom for Human Rights and Development Association	To provide training on minority rights in Phnom Penh and Kandal province	10 500
Cham Khmer Islam Minority Human Rights and Development Association	To provide human rights and minority rights training to ethnic Cham	15 000
Cambodia Labour Organization	To promote labour rights and provide legal assistance to victims of labour rights abuses	20 000
Cambodia Women Crisis Centre	To combat and prevent gender-based abuse in Cambodia	34 000
Agir pour les femmes en situation précaire	To provide shelter for underage girls who are victims of sexual exploitation	29 500

Name of organization	Project	Amount (US$)
Cambodian Children and Handicap Development	To assist young victims of sexual exploitation to reintegrate into the community	15 000
Committee for Child Abuse Protection in Battambang	To investigate cases of child abuse, in particular child trafficking	2 000
Centre de Developpment cultural et arts populaires Khmer	To provide human rights education through puppet theatre	12 000
Inspectorate of Social Labour	To provide emergency assistance to victims of sexual trafficking	3 207
Grand total		254 207